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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT TACOMA

Tomas Reyes,  
Plaintiff  
v.  
United States District Court for  
the Western District of  
Washington,  
Defendant.

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CV 08-0005159  
ORDER DISMISSING THE ACTION  
AS TO DEFENDANT PAULA  
OLSON UNDER FEDERAL RULES  
OF CIVIL PROCEDURE, RULE  
41(b) (“RULE 41(b)”)

The Court issued on September 23, 2008 an Order to Plaintiff to show cause in writing (“OSC”) why his action should not be dismissed for lack of diligent prosecution as to Defendant Paula Olson (“Olson”), if he had not filed a request for entry of default as to Olson by October 10, 2008.

As of the date of this Order, Plaintiff has not filed the Request or otherwise responded in writing to the OSC.

The Complaint was filed on February 21, 2008. The Proof of Service shows that Olson was served with the Summons and Complaint on February 21, 2008. The Court concludes that the

1 action has been pending for an unreasonable period of time without any action having been taken by  
2 Plaintiff regarding Olson, and Plaintiff has not proceeded with reasonable diligence in prosecuting  
3 his action against her.

4 The Court has weighed those factors recited in *In Re Eisen*, 31 F.3d 1447, 1451 (9th Cir.  
5 1994) and has considered lesser alternatives to dismissal of this action respecting Olson. It  
6 concludes that under the circumstances of this case no other sanctions are reasonable, such as  
7 monetary sanctions.

8 Based on the foregoing, under Rule 41(b), the Court ORDERS the action dismissed in its  
9 entirety without prejudice as to Defendant Paula Olson.

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11 DATED: November 3, 2008

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ROBERT J. TIMLIN

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UNITED STATES DISTRICT JUDGE

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